

SYN. NO. _____

AGN. NO. _____

MOTION BY SUPERVISOR ZEV YAROSLAVSKY

November 1, 2005

Many government agencies have laws which seek to prevent conflicts of interest, or the appearance of conflicts of interest, involving employees who resign from government service and go to work for private companies which have matters pending before that agency. These include ordinances that prohibit government employees from negotiating future employment with persons having business before their agencies, and/or using their official positions to further the interests of persons with whom they have agreements concerning future employment. There are also “revolving door” ordinances that prevent ex-government officials and employees from lobbying their former agencies for a certain period of time after leaving their government jobs. These laws serve to protect the integrity of government decision-making and to avoid impropriety, or the appearance of impropriety, when employees transfer between the public and private sectors.

The County does not have such ordinances. All County employees are covered by the California Political Reform Act, which provides that an employee shall not participate in a decision in which he or she has a financial interest. The term “financial interest” has been interpreted to include a promise of future employment or income. However, it would be useful to place within the County Code a definitive prohibition on

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participating in County decision-making while negotiating employment with the subject of that decision. The City of Los Angeles has such a prohibition within its Municipal Code which could be a model for the County.

The Legislature recently passed, and the Governor signed, SB 8 (Soto) which amends the California Political Reform Act by extending current State law that prohibits revolving-door lobbying by former State officials, to certain local officials. Under SB 8, local elected officials and county chief administrative officers are prohibited from lobbying their former agencies for one year after leaving office. Local government agencies may adopt their own ordinances in this regard if they are more restrictive than State law. Again, the City of Los Angeles has such an ordinance which could be a model for the County.

I, THEREFORE, MOVE that County Counsel be instructed to draft an ordinance for the Board's consideration, similar in nature to Sections 49.5.11 and 49.5.12 of the Los Angeles Municipal Code, which would restrict County officials and employees from negotiating future employment or the promise of income with persons who have matters pending before them or before a body of which they are a member; to prohibit any person who has a matter pending before a County official or body from negotiating future employment or the promise of income with that official or member of that body; and to prohibit any County official from using his or her official position to influence a decision involving the interests of a person with whom he or she has an agreement concerning future employment or the promise of income. Such ordinance should also prohibit paid lobbying activity by former County officials and employees concerning matters over which they, or their agency(ies), or any County agency, as appropriate,

have jurisdiction; without any time restriction for matters on which the former official or employee was personally and substantially involved; and for one year on other matters.

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